



## Tunisia

### Country Reports on Human Rights Practices - [2000](#)

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Tunisia is a republic dominated by a single political party. President Zine El-Abidine Ben Ali and his Constitutional Democratic Rally (RCD) party have controlled the Government, including the legislature, since 1987. This dominance was reaffirmed in an overwhelming RCD victory in the October 1999 legislative and presidential elections, although 1999 revisions to the Constitution allowed two opposition candidates to run against Ben Ali in presidential elections, the first multicandidate presidential race in the country's history. Approximately 20 percent of representation in the Chamber of Deputies is reserved for opposition parties (34 of 182 seats), up from approximately 12 percent (19 of 163 seats) in the previous Chamber, which was elected in 1994. The President appoints the Prime Minister, the Cabinet, and the 24 governors. The executive branch and the President strongly influence the judiciary, particularly in sensitive political cases.

The police share responsibility for internal security with a paramilitary National Guard. The police operate in the capital and a few other cities. In outlying areas, their policing duties are shared with, or ceded to, the National Guard. Both forces are under the control of the Minister of Interior and the President. The security forces continued to be responsible for serious human rights abuses.

Tunisia has made substantial progress toward establishing an export-oriented market economy based on manufactured exports, tourism, agriculture, and petroleum. The per capita gross national product for 2000 was estimated to be \$2,800, while real per capita income grew by an estimated 2.7 percent. Over 60 percent of citizens are in the middle class and enjoy a comfortable standard of living. The Government reported that only 6.2 percent of citizens fell below the poverty line, and that more than 80 percent of households owned their own homes. The country has a high level of literacy (91.1 percent of adults between the ages of 15 and 24 in 1999), low population growth rates (under 1.2 percent in 1999), and wide distribution of basic health care. The Government devotes over 60 percent of the budget to social and development goals.

The Government generally respected the rights of its citizens in some areas, particularly regarding the rights of women and children, and it also took modest steps to allow a greater diversity of views in the media; however, the Government's record remained poor in other areas, and significant problems remain. There are significant limitations on citizens' right to change their government. The ruling RCD Party is firmly intertwined with government institutions throughout the country, making it extremely difficult for opposition parties to compete on a level playing field. The October 1999 presidential and legislative elections marked a modest step toward democratic development, with opposition presidential candidates allowed to run for the first time, and opposition parties generally freer to campaign; however, while observers agree that the outcome of the elections generally reflected the will of the electorate, the campaign and election processes greatly favored the ruling party, and there was wide disregard for the secrecy of the vote, in which Ben Ali won 99.44 percent of the ballots cast for President.

There were reports of two extrajudicial killings by police. Members of the security forces tortured and physically abused prisoners and detainees. The Government asserts that police officials who commit abuses are disciplined, but there have been no documented cases in which security officials were disciplined for such abuse. Prison conditions range from Spartan to poor. Security forces arbitrarily arrest and detain persons. Lengthy pretrial detention and incommunicado detention are problems. Provisions enacted in 1999 to lower the maximum incommunicado detention period and require authorities to notify family members at the time of arrest are not enforced evenly. The judiciary is subject to executive branch control, lengthy delays in trials are a problem, and due process rights are not always observed; however, in July the Government set up a new court to oversee the proper administration of sentences. The Government infringed on citizens' privacy rights, including by intercepting mail and interfering with Internet communication. Security forces also monitored the activities of government critics and at times harassed them, their relatives, and associates.

The Government continued to impose significant restrictions on freedom of speech and of the press, although there was limited easing of press restrictions during the year. Journalists practice self-censorship. The Government demonstrated a pattern of intolerance of public criticism, using criminal investigations, judicial proceedings, and travel controls (including denial of passports) to discourage criticism and limit the activities of human rights activists. The Government continued to use the mandatory prescreening of publications and control of advertising revenue as a means to discourage newspapers and magazines from publishing material that it considered undesirable. The Government regularly seized editions of foreign newspapers containing articles that it considered objectionable. However, the Government eased its restrictions somewhat in a few areas; several foreign journals returned to newsstands during the year after being banned from sale following articles critical of the October 1999 presidential and legislative elections. The Government also improved access to the Internet and continued to broadcast a monthly public affairs program that permitted citizens to debate issues with government officials. The Government restricts freedom of assembly and association. The Government limits partially the religious freedom of members of the Baha'i faith. The Government does not permit proselytizing. The Government continued to restrict the freedom of movement of government critics and their family members. The Government subjected members of the Tunisian Human Rights League (LTDH) and other human rights activists to harassment, interrogation, property loss or damage, and denial of passports. The Government closed the headquarters of the LTDH on November 27 and replaced its board with a judicial administrator pending a scheduled January 2001 hearing. Four LTDH members filed a complaint that the LTDH's national congress elections that were held in October did not follow LTDH by-laws and were illegal. The Government barred meetings by LTDH board members in the interim. The Government continued to meet with the LTDH, but still refused to approve the registration of the National Council for Liberties (CNLT) nongovernmental organization (NGO) and continued to prosecute CNLT members. CNLT spokesman Moncef Marzouki was sentenced to a 1-year prison term for maintaining an illegal organization and distribution of false news for writing a paper for a human rights conference held in Morocco that criticized the Government's National Solidarity Fund charity for lack of transparency. The Government permitted observers from several international human rights groups to attend trials of human rights activists. Violence against women occurs. The Government continued to demonstrate its strong support for the rights of women and children; however, legal discrimination against women continued to exist in certain areas, such as property and inheritance law, which is governed by Shari'a (Islamic law), and societal discrimination exists in areas such as private sector employment. The Government took strong measures to reduce official discrimination, including equal opportunity for women as a standard part of its audits of all governmental entities and state-owned enterprises; however, such measures are not extended to the private sector. Child labor persists. Child labor continues to decline, due principally to government efforts to address the problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of political killings; however, there were reports of a few extrajudicial killings by members of the security forces.

According to the LTDH, on August 9 motorcycle police officers kicked and beat Chaker Azouzi to death for failure to stop for police. The Government stated that the police officer implicated in Azouzi's death is being held pending a judicial investigation.

According to an LTDH communique, Riadh Ben Mohamed J'day was beaten to death while he was held in police detention on September 17. The Government claimed that J'day committed suicide by hanging himself by his shirt from the bars in his cell, and that he died on the way to the hospital.

The LTDH reported that El-Aid Ben Salah's cellmates beat him to death on June 10 and that, despite his cries, prison guards did nothing to save him. The Government stated that it has opened an investigation into Ben Salah's death.

There was no progress in the investigation of the 1999 case of Tahar Jelassi, who reportedly died as a result of torture by prison guards for refusing to take off his clothes during a routine search at Grombalia prison.

There were no developments during the year in the case of former Islamist Tijani Dridi, who allegedly died in police custody in 1998. The Government maintains that Dridi died on July 21 from injuries sustained the previous day in a motorcycle collision.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code prohibits the use of torture and other cruel, inhuman, or degrading treatment or punishment; however, security forces routinely used various methods of torture to coerce confessions from detainees. The forms of torture included electric shock; submersion of the head in water; beatings with hands, sticks, and police batons; cigarette burns; and food and sleep deprivation. Police also reportedly utilized the "rotisserie" method: Stripping prisoners naked, manacling their wrists behind their ankles, and beating the prisoners while they were suspended from a rod. A 1999 CNLT report on prison conditions described other forms of torture, including the falaqa, which consists of suspending a prisoner by the feet and severely beating the soles of the feet; suspension of a prisoner from the metal door of his cell for hours on end until the prisoner loses consciousness; and confinement of the prisoner to the "cachot," a tiny, unlit cell. LTDH vice president Khemais Ksila, who was released from prison in 1999, and the CNLT both reported cases in which prisoners committed self-mutilation in prisons to protest conditions and then, as punishment, prison authorities sutured the prisoners' self-inflicted wounds without anesthesia and put them into isolation or into "cachot." In the April 28 trial of Jallel Ben Brik Zoghalmi, the brother of journalist Taoufik Ben Brik, presiding judges did not incorporate allegations of police brutality in their summary statements (which serve as the trial record), and refused to open an investigation into Zoghalmi's claim that on April 26 police officers beat Zoghalmi (breaking his nose), Sihem Bensedrine, Taieb Nooman, and Ali Ben Salem while holding them in detention (see Sections 1.d. and 1.e.). The four claimed that they were made to lay prostrate at a police station in the El-Manar suburb of Tunis while police stomped and kicked them, and that they subsequently filed a complaint of police brutality, which the judge refused to accept.

According to Amnesty International (AI) and defense attorneys, the courts routinely fail to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted under torture. In the April trial of Ahmed Amari and 23 others for membership in the illegal Islamist organization An-Nahda, the presiding judges refused to investigate the claim by defendants that their confessions were extracted under torture, including a claim by Amari's attorney that he still bore physical signs of torture (see Sections 1.d. and 1.e.).

In a November 1998 report, the U.N. Committee Against Torture recommended that the Government reduce the prearrest detention period from 10 days to 48 hours, noting that most abuses occur during incommunicado detention. In August 1999, in order to address U.N. concerns, the Government enacted amendments to the Penal Code, which adopted the U.N. definition of torture, instructed police to inform detainees of their rights, including, notably, the right of a defendant to demand a medical examination while in detention, and increased the maximum penalty for those convicted of committing acts of torture from 5 to 8 years. In 1999 the Government also shortened the maximum allowable period of prearrest detention from 10 to 6 days and added a requirement that the police notify suspects' families on the day of their arrest. However, credible sources claimed that the Government rarely enforces the new provisions. In its annual report for 2000, Human Rights Watch stated that despite the reduction of incommunicado detention from 10 to 6 days, torture continued to be a problem, due to a climate of impunity "fostered by a judiciary that ignored evidence of torture and routinely convicted defendants on the basis of coerced confessions." In its March 2000 report on torture, the CNLT stated that "torture continues to be practiced on a large scale" and affects not only political prisoners but common criminals as well.

Human rights advocates maintain that charges of torture and mistreatment are difficult to substantiate because government authorities often deny medical examinations until evidence of abuse has disappeared. The Government maintained that it investigates all complaints of torture and mistreatment filed with the prosecutor's office and claimed that alleged victims sometimes publicly accused authorities of acts of abuse without taking the steps required to initiate an investigation. However, the CNLT stated in its March report on torture that police often refuse to register complaints and judges dismiss complaints lodged by alleged victims of torture with little or no investigation. For example, Abdelmounim Belanas, who was convicted in 1999 of membership in the Tunisian Communist Workers Party (PCOT) and was released in June, claimed that he filed two complaints against the Government for torture that he was subjected to in 1995, 1997, and 1999, but that

both of his complaints were dismissed (see Sections 1.e., 2.b. and 4). Absent a formal complaint, the Government may open an administrative investigation but is unlikely to release the results to the lawyers of affected prisoners. There have been no documented cases in which security officials were disciplined for such abuse.

Eight alleged members of the Islamist organization Ansar were convicted on November 24 and received sentences ranging from 3 to 17 years, largely on the basis of confessions that they claimed had been extracted under torture and on the testimony of a single government witness (see Section 1.d.).

There were reports that security forces severely beat students during demonstrations in the south in February (see Section 2.b.). Credible sources reported that security forces beat university students during pro-Palestinian demonstrations in the greater Tunis area in October (see Sections 2.b.).

Credible sources reported that plainclothes policemen beat French, Algerian, and Moroccan journalists when they attempted to attend a press conference at the home of journalist Taoufik Ben Brik in April (see Section 2.a.). On April 25, police attacked human rights activists and attorneys as they left the Saint Augustin Clinic where Ben Brik was holding a hunger strike (see Sections 1.d., 2.a., and 4). Police beat LTDH vice presidents Fadhel Ghedamsi and Khemais Ksila, Ksila's wife Fatma, attorney Chawki Tabib, and CNLT member Omar Mestiri in the attack. Khemais Ksila suffered a fractured vertebra and his wife suffered bruises to her back as she attempted to stop police from beating her husband, who was knocked unconscious from blows to the top of his spinal column. Attorneys claimed that they filed a complaint but that the judge refused to accept it. PCOT member Mohamed Hedi Sassi claimed that security police attacked and beat him in July outside his home and again in August after stopping his car. CNLT members Omar Mestiri and Mohamed Bechir claimed that in December plainclothes policemen beat them in front of the Ministry of Health, where they attempted to lodge a formal protest of CNLT spokesman Moncef Marzouki's July dismissal. Mestiri claimed that policemen drove him 60 kilometers from Tunis and dropped him by the side of the road without money, papers, or his glasses, and left him to return on foot. Sources also claimed that Nejib Hosni and Raouf Ayadi had been hit and slapped by plainclothes police, who prevented them from entering the CNLT headquarters in December (see Sections 1.f. and 4).

According to defense attorneys and former prisoners, prison conditions ranged from Spartan to poor and, in some cases, did not meet minimum international standards. Credible sources reported that overcrowding continued to be a serious problem, with 40 to 50 prisoners typically confined to a single 194-square-foot cell, and up to 140 prisoners held in a 323 square-foot-cell. In a September 19 trial of 36 defendants who were charged with belonging to the illegal Islamist organization An-Nahda, Zouar Yacoub stated that during his 31/2 year pretrial detention, he was confined with 270 inmates, who shared 1 toilet and 1 sink, in a 323-square foot cell (see Section 1.d.). Defense attorneys reported that prisoners in the 9th of April prison in Tunis were forced to share a single water and toilet facility with their cellmates, creating serious sanitation problems, and credible sources report that prison barbers use a single razor blade to shave every 10 prisoners.

There were credible reports that conditions and prison rules were harsher for political prisoners than for the general prison population. One credible report alleged the existence of special cell blocks and prisons for political prisoners, in which they might be held in solitary confinement for months at a time. Another credible source reported that high-ranking leaders of the illegal An-Nahda Islamist movement have been held in solitary confinement since 1991. Other sources alleged that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for the prisoners' families to deliver food to the prisoners. One prisoner reported that he was moved 3 times while serving his 6-month sentence; another reported serving his sentence in 10 different jails in 3 years. The wife of Taoufik Chaieb (who was released following a presidential pardon in August after serving a 4-year prison term for membership in the illegal An-Nahda party) claimed that her husband was transferred to five prisons during his 4-year prison term. The CNLT report alleged that inmates are instructed to isolate newly arrived political prisoners and are punished severely for any contact with them. Fethi Chemki, the president of the Assembly for an Alternative to International Development (RAID), who was convicted in June of defamation for printing a CNLT report on prisons, claimed that he was confined to a bunk bed located besides the cell's lavatories and isolated by other prisoners, except those prisoners who were instructed to provoke fights (see Sections 1.e, 2.a. and 4). Other prisoners, including LTDH vice president Khemais Ksila, alleged that the authorities limited the quantity and variety of food that families of political prisoners could bring to supplement prison fare.

Former National High Commissioner for Human Rights Rachid Driss, whose former organization is government-funded, had conducted bimonthly, unannounced prison inspections since 1996. Although Driss has declared that prison conditions and prisoner hygiene were "good and improving," details of his inspections were not made public. Driss was replaced in December by Zakaria Ben Mustapha, a former Minister of Cultural Affairs.

The Government does not permit international organizations or the media to inspect or monitor prison

conditions. The LTDH announced in a 1999 communique that it had been granted permission to resume prison visits; however, it made no visits during the year, and the Government's willingness actually to allow such visits remained uncertain.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. The law authorizes the police to make arrests without warrants in the cases of suspected felons or crimes in progress. A 1999 Penal Code amendment, provides for a maximum 3-day detention period, renewable once (for a maximum of 6 days) by the prosecutor, thus reducing from 10 days to 6 the time that the Government may hold a suspect incommunicado following arrest and prior to arraignment. The 1999 amendments also require arresting officers to inform detainees of their rights and detainees' families of the arrest at the time of arrest, and to make a complete record of the times and dates of such notifications. Credible sources stated that the new law rarely is enforced with respect to either common criminals or political detainees. Detainees have the right to be informed of the grounds for arrest before questioning and may request a medical examination. However, they do not have a right to legal representation during the 6-day incommunicado detention period. Attorneys, human rights monitors, and former detainees maintain that the authorities illegally extend the maximum limit of prearrest detention by falsifying the date of arrest. Ahmed Amari and 23 other defendants who were extradited from Libya in July 1997 did not appear before a judge until April (see Sections 1.c. and 1.e.).

On April 8, police arrested RAID members Fethi Chemki and Mohamed Chouarbi, as well as Iheb El-Hani, the owner of a photocopy shop, and charged the three with defamation, distribution of false news, disturbing the public order, and belonging to an unrecognized association in connection with their photocopying of the CNLT's March report on torture. The Government reportedly detained hundreds of secondary-level students and other youths in connection with two demonstrations held in February and April (see Sections 2.a. and 2.b.). On April 25, the police arrested CNLT members Jallel Ben Brik Zoghalmi, Sihem Bensedrine, Ali Ben Salem, and Taieb Nooman during an altercation between police and foreign journalists (see Sections 1.c. and 1.e.). The Government subjected the family members of Islamist activists to arbitrary arrest (see Sections 1.f., 2.a., 2.d., 4, and 6.a.).

Detainees have a right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment the examining magistrate may decide to release the accused or remand him to pretrial detention. The law permits the release of accused persons on bail, which may be paid by a third party. In cases involving crimes for which the sentence exceeds 5 years or that involve national security, preventive detention may last an initial period of 6 months and be extended by court order for two additional 4-month periods. For crimes in which the sentence may not exceed 5 years, the court may extend the initial 6-month pretrial detention by an additional 3 months only. During this period, the court conducts an investigation, hears arguments, and accepts evidence and motions of both parties. In August 1999, the Government approved a law that gives persons indicted for criminal acts the right to appeal their indictment before the case comes to trial; previously, this right was granted in civil cases only.

A case proceeds from investigation to a criminal court, which sets a trial date. There is no legal limit to the length of time the court may hold a case over for trial, nor is there a legal basis for a speedy hearing. Complaints of prolonged detention of persons awaiting trial were common, and President Ben Ali publicly has encouraged judges to make better use of release on bail and suspended sentences. In a September 19 trial, the attorney for Zouher Yacoub and 35 other defendants extradited from Libya in 1997 and charged with belonging to the illegal Islamist organization An-Nahda claimed that they had been held in pretrial detention for 31/2 years (see Section 1.c.). Detainees Abdelatif Bouhajila, Yassin Ben Zarti, Ridha Ben Ahmed, Fehra Fethi, Sofiane Ben Hamida, Youssef Mourru, and two others charged with conspiring with a foreign Islamist group (Ansar), held 3-month hunger strikes to protest their 26-month long pretrial detentions. All eight were convicted on November 24 and received sentences ranging from 3 to 17 years, largely on the basis of confessions that they claimed had been extracted under torture and on the testimony of a single government witness (see Section 1.c.).

Human rights activists reported that security forces arbitrarily imposed administrative controls on former prisoners following their release from prison. Although the Penal Code contains provisions for the imposition of administrative controls following completion of a prison sentence, only judges have the right to order a former prisoner to register at a police station, and the law limits registration requirements to 5 years. Human rights activists allege that these requirements often are unreasonable and prevent former prisoners from being able to hold a job. Numerous Islamists released from prison in recent years have been subjected to these types of requirements. Radhia Aouididi, who served a 3-year prison sentence for possession of a fraudulent passport (having been refused a passport in 1996 because of her fiancé's membership in An-Nahda), was released from all administrative controls in August. She had been subject to a requirement to sign in daily at a police headquarters 9 miles from her village for a 5-year period following her 1999 release (see Section 2.d.). Defense attorneys reported that some clients must sign in four or five times daily, at times that are determined

only the previous evening. When the clients arrive at the police station, they may be forced to wait hours before signing in, making employment impossible and child care difficult. A new court, created by a 1999 law to oversee the proper administration of sentences, began functioning in September. The law allows judges to substitute community service for jail sentences in minor cases in which the sentence would be 6 months or less.

There likely are a sizable number of political detainees, although there is no reliable estimate due to arbitrary government detention practices and the lack of publicly available records of arrests.

The Constitution prohibits forced exile, and the Government observes this prohibition. According to reliable sources, some political opponents in self-imposed exile have been prevented from obtaining or renewing their passports in order to return. However, a Government official stated in June that the Government had returned 200 passports and would return another 600 of citizens living abroad, many of whom have been without a passport for years (see Section 2.d.).

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch and the President strongly influence the judiciary. In practice the judicial branch is part of the Ministry of Justice and the executive branch appoints, assigns, grants tenure to, and transfers judges. In addition the President is head of the Supreme Council of Judges. This situation renders judges susceptible to pressure in politically sensitive cases.

The court system comprises the regular civil and criminal courts, including the courts of first instance; the courts of appeal; and the Court of Cassation, the nation's highest court; as well as the military tribunals within the Defense Ministry.

Military tribunals try cases involving military personnel and civilians accused of national security crimes. A military tribunal consists of a civilian judge from the Supreme Court and four military judges. Defendants may appeal the tribunal's verdict to the Court of Cassation.

The Code of Procedure is patterned after the French legal system. By law the accused has the right to be present at trial, be represented by counsel, question witnesses, and appeal verdicts. However, in practice judges do not always observe these rights. The law permits trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts. Defendants may request a different judge if they believe that a judge is not impartial; however, in practice judges do not always permit this. For example, lawyers for Nejib Hosni, who was convicted in December for violating a court-ordered 5-year suspension from practicing law, requested that the trial judge recuse himself because, attorneys claimed, he no longer was impartial because he already had found Hosni in violation of the court order the week before. The judge refused the defense's request. The Court of Cassation, which considers arguments on points of law as opposed to the facts of a case, is the final arbiter.

Trials in the regular courts of first instance and in the courts of appeals are open to the public. The presiding judge or panel of judges dominates a trial, and defense attorneys have little opportunity to participate substantively. Defense lawyers contend that the courts often fail to grant them adequate notice of trial dates or allow them time to prepare their cases. Some also reported that judges restricted access to evidence and court records, requiring in some cases, for example, that all attorneys of record examine the court record on one specified date in judges' chambers, without allowing attorneys to copy material documents. For example, in the case of RAID president Fethi Chemki and two others, defense attorneys said that they initially were not permitted access to documents that were the basis of the Government's charge of defamation, then later were permitted to view documents only in the judge's chambers (see Sections 1.c., 2.a., and 4). Defense lawyers also claimed that the judges sometimes refused to allow them to call witnesses on their clients' behalf, or to question key government witnesses. In the trials of both Jallel Ben Brik Zoghalmi and Fethi Chemki, judges refused to permit defense attorneys to call witnesses or present evidence on their clients' behalf (see Sections 1.c., 1.d., 2.a., and 4). Lengthy delays in trials also are a problem (see Section 1.d.).

Throughout the year, the Government permitted observers from Amnesty International, the International Human Rights Federation, and other international human rights organizations to monitor trials. The observers reported that the Government permitted them to conduct their work freely (see Section 4). According to credible sources, throughout the year the Government brought correspondents of foreign press services in for questioning for attending and reporting on political trials, and for writing articles critical of the Government in the foreign press (see Section 2.a.).

Amnesty International and defense attorneys report that courts routinely fail to investigate allegations of torture and mistreatment, and have accepted as evidence confessions extracted under torture (see Section 1.c.). In the April trial of Ahmed Amari and 23 others charged with membership in the illegal organization Islamist An-Nahda, the presiding judge refused to investigate allegations of torture, despite defendants' testimony that their confessions were extracted under torture (see Sections 1.c. and 1.d.). Defense lawyers and human rights activists claim that the length of court sessions sometimes prevents reasoned deliberation.

There is no definitive information on the number of political prisoners. Human Rights Watch reported that there might be hundreds of political prisoners convicted and imprisoned for membership in the Islamist group An-Nahda and the Communist Workers Party, for disseminating information produced by these banned organizations, and for aiding relatives of convicted members. Reliable sources estimate that between 600 and 1,400 political prisoners were held in the prisons at the beginning of the year. The Government releases prisoners on national holidays, such as Independence Day or the anniversary of President Ben Ali's accession to power. Several political prisoners were released during the year, including PCOT members Fahem Boukkadous and Abdelmounim Belanas (released on June 10), An-Nahda member Taoufik Chaieb (released on August 30), RAID president and members Fethi Chemki and Mohamed Chouarbi (released conditionally in May after serving 30 days in detention), and Jallel Ben Brik Zoghalmi, brother of journalist Taoufik Ben Brik (released in May after serving 19 days in detention) (see Sections 1.c., 1.d., 2.a., 2.b., and 4). However, the Government does not provide details on the numbers or types of prisoners released. President Ben Ali stated in a July 28 speech to members of the RCD ruling party that all prisoners are common criminals convicted of crimes in accordance with the law.

The Government does not permit international humanitarian organizations to visit prisons. In his February report, U.N. Special Rapporteur Abid Hussein stated that the Government did not permit him to visit any prisoners in the 9th of April prison in Tunis but permitted him to visit former Social Democratic Movement (MDS) secretary general Mohammed Moaada, who at the time was under house arrest and police surveillance pending a government investigation of an alleged meeting between Moaada and An-Nahda leaders in Europe in 1997.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government infringed on citizens' privacy rights. The Constitution provides for the inviolability of the person, the home, and for the privacy of correspondence, "except in exceptional cases defined by law." The law requires that the police obtain warrants to conduct searches; however, police sometimes ignore the requirement if authorities consider that state security is at stake or that a crime is in progress. For example, human rights activist Mohamed Hedi Sassi claimed that his home was ransacked in January while he was held in police custody for failing to stop for an unmarked police car.

Authorities may invoke state security interests to justify telephone surveillance. There were numerous reports of government interception of fax and computer-transmitted communications. The law does not authorize explicitly these activities, although the Government has stated that the Code of Criminal Procedure implicitly gives investigating magistrates such authority. Many political activists experience frequent and sometimes extended interruptions of residential and business telephone and fax services. Human rights activists accuse the Government of using the 1998 Postal Code, with its broad but undefined prohibition against mail that threatens the public order, to interfere with their mail and interrupt the delivery of foreign publications. Local phone, fax, and copy shops require persons to turn over their identification cards when requesting to send faxes. Lawyers and activists stated that the Government has increased its practice of cutting off telephone service to activists; telephone service to the offices, homes, and relatives of prominent human rights lawyers and other activists frequently was cut off, sometimes for long periods. Human rights lawyer Nejib Hosni claimed that his telephone service has been disrupted since 1994 and human rights lawyer Radhia Nasraoui claimed that her telephone service was disrupted numerous times throughout the year (see Section 4). However CNLT member Moncef Marzouki and journalist Taoufik Ben Brik, who were without telephone service for prolonged periods, reported that their service was reinstated in May.

The security forces monitor the activities of political critics, and sometimes harass, follow, question, or otherwise intimidate their relatives and associates. Members of the CNLT claimed that in December plainclothes police prevented persons from entering the building in which their headquarters were located, including neighbors who lived there (see Sections 1.c. and 4). Police place journalists who write articles critical of the Government, or who are active in human rights organizations, under surveillance (see Section 2.a.).

Human rights activists, lawyers, and other political activists also reported that they were under police surveillance. Lawyer Radhia Nasraoui complained that police frequently follow and intimidate her children. LTDH vice president Khemais Ksila reported that he continued to be subjected to government surveillance and harassment since his release in 1999. Although Ksila's telephone service was reconnected in May, he reported that his mail was monitored and only bills were delivered, and that he has been unable to work since

1996 (see Section 4). On April 10, the Government closed CNLT member Sihem Bensedrine's publishing house, Aloes, and reopened it July 11. The Government stated that it closed the publishing house because it provided a venue for "disruptive activities" when Bensedrine held a meeting in which Taoufik Ben Brik announced his hunger strike to protest his indictment for defamation for articles critical of the Government that he had written and published in the foreign press (see Sections 2.a. and 4). Bensedrine's telephone service was reconnected in July, after being out of service for 15 months, but again was disrupted the week before the December 25 LTDH hearing (see Section 4). Bensedrine reported that her home and family still are under surveillance, but that her children had not recently been the target of government harassment, as had been the case in the past.

Human rights activists alleged that the Government subjected the family members of Islamist activists to arbitrary arrest, reportedly utilizing charges of "association with criminal elements" to punish family members for crimes committed by the activists. For example, one female medical doctor claimed that she has been unemployed since 1997 because police pressure hospitals not to hire her because her husband was convicted of membership in An-Nahda. One man claimed that for 8 years, the Government refused to issue him a passport because his brother was prosecuted for membership in An-Nahda. Human rights activists also alleged that the relatives of Islamist activists who are in jail or living abroad were subjected to police surveillance and mandatory visits to police stations to report their contact with relatives. The Government maintained that the Islamists' relatives were members or associates of the outlawed An-Nahda movement and that they were correctly subjected to legitimate laws prohibiting membership in or association with that organization. The Government also reportedly refused to issue passports to the family members of some human rights activists, including the wife and children of human rights lawyer Nejib Hosni.

Human rights activists allege that security forces arbitrarily imposed administrative controls on prisoners following their release from prison (see Section 1.d.) and confiscated national identity cards from numerous former prisoners. For example, one man claimed that his national identity card was confiscated when he left prison in June. A credible source claimed that the Government confiscated the national identity cards of as many as 10,000 persons who were either former prisoners convicted of membership in An-Nahda or relatives of An-Nahda members and their sympathizers.

Police presence is heavy throughout the country and traffic officers routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents (see Section 2.d.). The Government regularly prohibited the distribution of some foreign publications (see Section 2.a.). The security forces often question citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists (see Section 2.a.). For example, police attempted to remove one man from a public trial for translating for a foreign observer.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of expression and of the press; however, in practice, the Government restricts freedom of speech and of the press. The Government relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. The Government also uses the Press Code, which contains broad provisions prohibiting subversion and defamation, to prosecute individuals who express dissenting opinions. In his February 2000 report, U.N. Special Rapporteur Abid Hussain stated that the Government "still has a long way to go to take full advantage of its favorable economic context...and in particular the right to freedom of opinion and expression," and cited concern over the State's "control of the national radio and television broadcasting system and the major dailies." The Government responded to the Special Rapporteur's report in a May/June Jeune Afrique article, stating that the Special Rapporteur's report "infringes on the rules of ethics that are supposed to preside over missions executed within the framework of special procedures," and that "the contents of the report confirm the clear impression, even the certainty, that the Special Rapporteur only reproduced allegations propagated by fringe political extremist and Islamic fundamentalist parties." In a speech before the RCD in July, President Ben Ali stated that although the Government must protect the right of citizens to hold dissenting opinions, those citizens who criticize the country in the international media were "traitors" who would be prosecuted to the full extent of the law.

The Government convicted RAID president Fethi Chemki and member Mohamed Chouarbi of defamation under the Press Code for photocopying a report published by the CNLT (see Sections 1.c., 1.e., 2.a., and 4). Mustapha Ben Jaafar, secretary general of the Democratic Forum, was investigated and detained for questioning in August on charges of defamation and belonging to an unrecognized organization for a communique that he distributed by e-mail, which criticized the Government (see Section 4). The criminal investigation of CNLT members Omar Mestiri and Moncef Marzouki, who were indicted in July 1999 for belonging to an illegal organization, remains pending (see Sections 2.d. and 4). Charges brought against Marzouki in November and December 1999 for defamation, belonging to an unrecognized organization,



causing a public disturbance, and dissemination of false information, arising out of Marzouki's publishing and distributing two communiqués on behalf of the CNLT, remained pending at year's end (see Section 4). In a separate case, Marzouki was sentenced to a 1-year prison term on December 30 for maintaining an illegal organization and distribution of false news for a paper that he wrote for a human rights conference in Morocco in September, which criticized the Government's National Solidarity Fund charity for lack of transparency (see Section 4). The criminal investigation of ousted MDS president Mohamed Moaada, which opened in 1997, is ongoing.

The Government imposed a media blackout on coverage of student protests and related arrests in February and in April (see Section 2.a.).

Although several independent newspapers and magazines—including several opposition party journals—exist, the Government relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. Primary among these methods is "depot legal," the requirement that printers and publishers provide copies of all publications to the Chief Prosecutor, Ministry of Interior, and Ministry of Culture prior to distribution. The Government has not permitted the Tunisian Bar Association to publish its internal bulletin since July 1999. The Government delayed release from depot legal numerous editions of the biweekly magazine *Jeune Afrique* for periods of up to 9 days, and prohibited the sale of the October 24 issue, which contained an article by noted historian and Islamic scholar Mohamed Talbi in which Talbi described dissident journalist Taoufik Ben Brik as a "national hero."

The Government since 1994 has refused to allow Amnesty International's Tunisia chapter to distribute textbooks on human rights written for high school students. However, the RSP party's sporadically published newspaper issued two editions with critical and extensive coverage of human rights issues. In a May statement in *Jeune Afrique*, the Government claimed that depot legal is a "simple formality to preserve national cultural heritage" and is not at all used to prevent all "undesirable publications."

Similarly, distributors must deposit copies of publications printed abroad with the Chief Prosecutor and various ministries prior to their public release. While publishers need not wait for an authorization, they must obtain a receipt of deposit before distribution. On occasion such receipts reportedly are withheld, sometimes indefinitely. Without a receipt, publications may not be distributed legally. For example, publisher Sihem Bensedrine claimed that she deposited a request for publication of *Kalima* magazine in December 1999 and is still awaiting a receipt of filing. The Press Code contains broad provisions prohibiting subversion and defamation, neither of which is defined clearly. The code stipulates fines and confiscation for failure to comply with these provisions. The Government routinely utilized this method to prevent distribution of editions of foreign newspapers and magazines that contained articles critical of the country. For example, the Government prevented distribution of the French publications *Figaro* and *L'Observateur*, which were embargoed until February. *Le Monde*, *Le Canard Enchaîné*, *Le Point*, and *Liberation*, which were banned in October 1999, once again were permitted to distribute copies in August. The *Frankfurter Allgemeine Zeitung* and the *Financial Times* have been banned periodically since the October 1999 elections. The Government also reportedly withheld depot legal to remove from circulation books that it deemed critical of the Government. In addition the Government provided official texts on major domestic and international events and reportedly reprimanded publishers and editors for failing to publish these statements.

The Government also relies on indirect methods, such as newsprint subsidies and control of public advertising revenues, to encourage self-censorship in the media. There were credible reports that the Government withheld advertising orders, a vital source of revenues, from publications that published articles that the Government deemed offensive. According to credible sources, *Le Temps* and *As-Sabbah* were forced to cease publication for 2 weeks in August due to financial problems resulting from the Government's withholding advertising orders.

The Government exerted further control over the media by threatening to impose restrictions on journalists, such as refusing permission to travel abroad, withholding press credentials, and imposing police surveillance on those who wrote articles critical of the Government. Members of the security forces also reportedly questioned journalists regarding the nature of press conferences and other public functions hosted by foreigners that the journalists attended. According to credible sources, the Government throughout the year brought correspondents of foreign press services in for questioning for attending and reporting on political trials, and for writing articles critical of the Government in the foreign press (see Section 1.e.). The Government indicted journalist Taoufik Ben Brik in April for defamation for publishing articles critical of the Government in the foreign press. Charges subsequently were dropped in May after Ben Brik held a 6-week hunger strike (see Sections 1.d., 1.f., 2.a., and 4). Other journalists active in human rights organizations reported that they were under police surveillance for weeks at a time (see Section 1.f.). Two journalists reported that they were fired in July due to government pressure after they wrote articles that the Government deemed offensive.

On May 23, Le Monde's Tunisia correspondent, Riadh Ben Fadhl, was shot twice in the shoulder at 6 a.m., the morning after he published an article in Le Monde that was critical of President Ben Ali. The official news agency, TAP, reported the shooting in all major newspapers in an article that emphasized discrepancies in Ben Fadhl's testimony, implying that the shooting was a failed suicide attempt. On May 30, President Ben Ali appeared in a front-page photo with Ben Fadhl, accompanied by an article in which Ben Fadhl asked the president to open an official investigation into the shooting. The Government had not announced the result of its investigation by year's end.

Several journalists from Al-Fajr, the publication associated with the outlawed An-Nahda movement, remained in jail, serving sentences that were imposed in the early 1990's. The Government maintains that the arrests, indictments, and convictions were carried out in full accordance with the law.

Visiting foreign journalists sometimes complain of being followed by security officials. The Government confiscated cassette tapes of interviews, notebooks, and the address book of French journalist Daniel Mermet in February as he was departing the country after a week of interviews with members of the human rights community. The Government claimed that Mermet had failed to register his materials upon entering the country. Reliable sources alleged that plainclothes policemen beat French, Algerian, and Moroccan journalists and confiscated cameras and film when the journalists attempted to attend a press conference at the home of journalist Taoufik Ben Brik in April (see Sections 1.c., 1.d., 1.e., and 1.f.).

On May 3, for the third year in a row, the Committee to Protect Journalists named President Ben Ali as one of its "10 worst enemies of the press." In its Report 2000, Reporters Sans Frontieres stated that "journalists have adopted a habit of self-censorship and those who venture to be independent pay a high price." Both reports focused on the presence of a restrictive atmosphere that leads to self-censorship and control exercised through advertising revenues. The Tunisian Newspaper Association remained expelled from the World Association of Newspapers (WAN). The WAN expelled the Association in 1997 for its failure to oppose repression of freedom of the press.

The Government owns and operates the Tunisian Radio and Television Establishment (ERTT). The ERTT's coverage of government news is taken directly from the official news agency, TAP. The Government banned the broadcast of the April 8 funeral of former President Habib Bourguiba; television and radio stations broadcast foreign soccer games and shows about wildlife instead. In May 1998, the ERTT began broadcasting a live public debate program entitled "Face to Face," which gave ordinary citizens the opportunity to debate public affairs issues with government officials. Human rights activists described the program as progress toward greater freedom of expression. There are several government-owned regional radio stations and one national television channel. Bilateral agreements with France and Italy permit citizens to receive the French television channel France 2 and the Italian Rai-Uno; however, the broadcast of France 2 has remained suspended since October 1999 because of its critical coverage of the 1999 elections. The Government stated that the broadcast was terminated as part of a long-term plan to provide more broadcast time to Tunisian programming. Recent estimates place the number of satellite dishes (which have been legal since 1996) in the country at well over 100,000. The Government regulates their sale and installation.

The Government encouraged greater use of the Internet and lowered Internet user fees and telephone connection fees again during the year. There are no customs duties on computers. By September 1, the Government reported that there were 35,000 subscribers (almost three times the number reported in 1999) and an estimated 250,000 users of the Internet. The Government used the Internet widely, with most government ministries and agencies posting information on readily accessible web sites. Some previously blocked sites, such as for the French journal Le Monde, became available during the year. However, web sites containing information critical of the Government posted by international NGO's and foreign governments frequently are blocked, including a report on Internet use in Tunisia by Human Rights Watch. The only two Internet service providers in the country remain under the control of the Tunisian Internet Agency, which was created in 1996 and which regularly must provide lists of subscribers to the Government. Human rights activists allege that the Agency regularly interferes with and intercepts their Internet communications. The Press Code, including the requirement that advance copies of publications be provided to the Government, applies to information shared on the Internet (see Section 4).

The Government limits academic freedom. Like journalists, university professors indicated that they sometimes practiced self-censorship by avoiding classroom criticism of the Government or statements supportive of the An-Nahda movement. Professors alleged that the Government utilized the threat of tax audits, control over university positions, and strict publishing rules to encourage self-censorship. The presence of police on campuses also discouraged dissent. A 1996 regulation requires professors to inform the Ministry of Higher Education in advance of any seminars, including the list of participants and subjects to be addressed. Copies of papers to be presented in university settings or seminars must be provided to the Ministry in advance. In February police arrested secondary school students and others demonstrating in the south, and in April 40 other secondary students were arrested in Tunis (see Section 2.b.).

## b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government imposes some restrictions on this right. Groups that wish to hold a public meeting, rally, or march must obtain a permit from the Ministry of Interior by applying no later than 3 days in advance of the proposed event and submitting a list of participants. The authorities routinely approve such permits for groups that support government positions, but often refuse permission for groups that express dissenting views. The Government permitted the Tunisia chapter of Amnesty International in May to hold a public conference in conjunction with the LTDH, the Association of Democratic Women (ATFD), and the Young Lawyers Association (AJA) in commemoration of International Freedom of the Press Day, to hold a public meeting in Sfax in June, and to hold its annual congress in July. However, on two separate occasions in March and April, police forcibly broke up a seminar that AI attempted to hold in its Tunis headquarters regarding human rights violations in Saudi Arabia, physically abusing AI members (see Section 4). The Government claimed that AI failed to submit the appropriate request. The Progressive Socialist Assembly (RSP) opposition party reported that on July 1, it was refused permission to hold a conference on Liberty and Democracy at a Tunis hotel; it held the conference at RSP headquarters instead. According to the LTDH, secondary students, joined by other youths, held strikes during the second week of February in the southern towns of Jbeniana, El-Amra, Zarzis, and El-Hamma. The strikes began in schools, developed into marches and demonstrations, and in some cases resulted in confrontations with security forces. The Government reportedly arrested as many as 400 students in connection with the demonstrations, including some minors who were placed in juvenile detention centers (see Section 1.d.). The LTDH claimed that numerous persons reported to the presiding magistrate that they were victims of police brutality during detention (see Section 1.c.). Students involved in the February demonstrations were charged with damaging property and taking part in hostile demonstrations, and received sentences ranging from 1 to 6 months. Some were acquitted, nine received presidential pardons, and the remaining students served out their sentences. All had been released by year's end. The protests and arrests never were reported by the press.

Over a 3-day period in April, the Government arrested a reported 40 additional secondary-level students, mostly in the greater Tunis area, for protesting a communique issued by the Government that announced a change in the final exam week schedule. The Government later denied that the communique had existed and restored the original exam schedule. The students were released several hours later without charge. During a March 28 to 29 hunger strike held by Sihem Bensedrine and Fatma Ksila at ATFD headquarters to protest the confiscation of passports, security officials posing as municipal workers closed off the street to traffic and pedestrians, claiming that the building was off limits due to a gas leak. The Government also cut off the phone and fax lines to ATFD headquarters. Credible sources reported that security forces beat university students during pro-Palestinian demonstrations in the greater Tunis area in October (see Section 1.c.).

Although the Constitution provides for freedom of association, the Government restricts this right by barring membership in political parties organized by religion, race, or region. On these grounds, the Government prosecutes members of the Islamist movement An-Nahda. For example, in an April trial, and five September trials, the Government indicted an estimated 75 alleged An-Nahda members, most of whom were extradited from Libya in 1997 and had been held in pretrial detention for over 3 years. In a September 19 trial, the presiding judge indicted Ahmed Amari, Yousef Khirri, and Choukri Gargouri on multiple counts of the same charge of membership in An-Nahda. The trial ultimately was postponed until February 2001 to allow attorneys to interview their clients and to have access to the Government's case against the defendants. Human rights activists alleged that the Government extended its prosecution of Islamist activists to include family members who were not politically active (see Sections 1.c., 1.d., and 1.e.). A criminal investigation against former MDS party leader Mohamed Moaada remained open, a result of his alleged 1997 meeting with An-Nahda leaders in Europe (see Section 1.e.).

The Government bans organizations that threaten disruption of the public order and uses this proscription to prosecute members of the PCOT. In July 1999, the courts convicted 17 students, professors, and labor activists of membership in the PCOT. The Government released 16 of the PCOT members in 1999. The remaining PCOT prisoner, Fahem Boukkadous, along with Abdelmounin Belanas, who was convicted of PCOT membership in a separate trial in 1999, were released on June 10 after holding a 4-week hunger strike. Three other PCOT members, Hama Hammami, Abdeljabbar Madouri, and Samir Taamallah, who were convicted and given 9-year sentences in absentia, remain in hiding (see Section 1.c.).

## c. Freedom of Religion

Islam is the state religion. The Constitution provides for the free exercise of other religions that do not disturb the public order, and the Government generally observes and enforces this right; however, it does not permit

proselytizing and partially limits the religious freedom of Baha'is.

The Government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. Although the Government permits Christian churches to operate freely, only the Catholic Church has formal recognition from the postindependence Government. The other churches operate under land grants signed by the Bey of Tunis in the 18th and 19th centuries, which are respected by the postindependence Government.

The Government controls and subsidizes mosques and pays the salaries of prayer leaders. The President appoints the Grand Mufti of the Republic. The 1988 Law on Mosques provides that only personnel appointed by the Government may lead activities in mosques, and stipulates that mosques must remain closed except during prayer times and other authorized religious ceremonies, such as marriages or funerals. New mosques may be built in accordance with national urban planning regulations but become the property of the State. According to human rights lawyers, the Government regularly questioned Muslims who were observed praying frequently in mosques.

The Government allows the Jewish community freedom of worship and pays the salary of the Grand Rabbi. It also partially subsidizes restoration and maintenance costs for some synagogues. In October 1999, the provisional Jewish community elected a new board of directors, its first since independence in 1956, which is awaiting approval from the governor of Tunis. Once approval is obtained from the governor, which reportedly is only a formality, the committee is expected to receive permanent status. The governor of Tunis still had not granted the committee permanent status by year's end. The acting board has changed its name to the Jewish Committee of Tunisia. The Government permits the Jewish community to operate private religious schools and allows Jewish children on the island of Jerba to split their academic day between secular public schools and private religious schools. The Government also encourages Jewish emigres to return for the annual Jewish pilgrimage to the historic El-Ghriba Synagogue on the island of Jerba.

The Government regards the Baha'i Faith as a heretical sect of Islam and permits its adherents to practice their faith only in private. Although the Government permits Baha'is to hold meetings of their National Council in private homes, it reportedly has prohibited them from organizing local councils. The Government reportedly pressures Baha'is to eschew organized religious activities. There are credible reports that prominent Baha'is periodically are called in by police for questioning. The Government unofficially denied Baha'i requests during the year for permission to elect local assemblies. The Government also does not permit Baha'is to accept a declaration of faith from persons who wish to convert to the Baha'i Faith. There were credible reports that four members of the Baha'i Faith were interrogated by Ministry of Interior officials in 1999 and pressured to sign a statement that they would not practice their religion and would not hold meetings in their homes.

In general the Government does not permit Christian groups to establish new churches, and proselytizing is viewed as an act against the public order. Foreign missionary organizations and groups do not operate in the country. Authorities ask foreigners suspected of proselytizing to depart the country and do not permit them to return; however, there were no reported cases of official action against persons suspected of proselytizing during the year.

Islamic religious education is mandatory in public schools; however, the religious curriculum for secondary school students also includes the history of Judaism and Christianity. The Zeitouna Koranic School is part of the Government's national university system.

Both religious and secular NGO's are governed by the same law and administrative regulations on association that impose some restrictions on freedom of assembly. For example, all NGO's are required to notify the Government of meetings to be held in public spaces at least 3 days in advance and to submit lists of all meeting participants to the Ministry of Interior. There were credible reports that two Christian religious organizations did not attempt to register because they believed that their applications would be rejected, although they were able to function freely under the auspices of their respective churches. Neither group believed that it was a victim of religious discrimination. A third group, composed of foreign Christians mostly from Sweden and the United Kingdom, is active in providing medical and social services in the city of Kasserine in the west. Despite its ambiguous legal status, this group (with 15 to 20 members) reports that it has been free to pursue its social and medical work without interference and states that it does not believe that it has been subject to religious discrimination.

Religious groups are subjected to the same restrictions on freedom of speech and the press as secular groups. Primary among these restrictions is "depot legal," the requirement that printers and publishers provide copies of all publications to the Chief Prosecutor, the Ministry of Interior, and the Ministry of Culture prior to publication (see Section 2.a.). Similarly, distributors must deposit copies of publications printed abroad with the Chief Prosecutor and various ministries prior to their public release. Although Christian groups reported

that they were able to distribute previously approved religious publications in European languages without difficulty, they claimed that the Government generally did not approve either publication or distribution of Arabic-language Christian material. Moreover, authorized distribution of religious publications was limited to existing religious communities, because the Government views public distribution of both religious and secular documents as a threat to the public order and hence an illegal act.

There was a credible report of a Muslim couple in Bizerte who had converted to Christianity, and since 1998 have not been permitted to renew their passports as a result of their conversion. Muslim women are not permitted to marry outside their religion. Marriages of Muslim women to non-Muslim men abroad are considered common-law, which are prohibited and thus void when the couple returns to the country. Non-Muslim women who marry Muslim men are not permitted to inherit from their husbands, nor may the husbands and any children (who are considered to be Muslim) from the marriage inherit from the non-Muslim wife.

Although civil law is codified, judges are known to override codified law with Shari'a (Islamic law) if codified law conflicts with Shari'a. For example, codified laws provide women with the legal right to custody over minor children; however, judges have refused to grant women permission to leave the country with minor children, holding that Shari'a appoints the father as the head of the family who must grant children permission to travel.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and persons are free to change their place of residence or work at will; however, in practice the Government restricts the freedom of movement and foreign travel of those critical of it.

Amendments to the passport law in October 1998 transferred power for canceling passports from the Ministry of Interior to the courts; however, the amended law contains broad provisions that permit passport seizure on undefined national security grounds and deny citizens the right either to present their case against seizure or to appeal the judges' decision. The Ministry of Interior must submit requests to seize or withhold a citizen's passport through the Public Prosecutor to the courts.

The Government arbitrarily withholds passports from citizens (see Section 1.f.); however, it issued passports to numerous persons during the year who had been denied them in the past. The Government returned passports to a number of citizens, including high-profile members of the human rights and Islamist communities, such as Sihem Bensedrine, Moncef Marzouki, Mustapha Ben Jaafar, Radhia Nasraoui, Khemais Ksila, Fatma Ksila, Mohamed Hedi Sassi, Iman Darwiche, Radhia Aouididi, Saida Charbati, and Rachida Ben Salem (see Sections 1.d. and 4). According to reliable sources, there are many others who still have not received passports, including human rights lawyer Nejib Hosni, PCOT student Nourredine Ben N'tiche, as well as many members of the Islamist community. According to credible sources, some political opponents in self-imposed exile have been prevented from obtaining or renewing their passports in order to return (see Section 1.d.). However, the Government stated that it had returned passports to approximately 200 citizens living abroad (see Section 1.d.).

The Government restricts internal travel during criminal investigations. The Government dropped travel injunctions against human rights lawyer Radhia Nasraoui, who traveled abroad in June, CNLT member Moncef Marzouki, who traveled abroad in June and September, LTDH vice president Khemais Ksila, who traveled abroad in June, and CNLT member Sihem Bensedrine. In October the Government lifted a court-ordered travel injunction from a 1998 criminal indictment on CNLT secretary general Omar Mestiri, which had prevented him from traveling outside Tunis city limits. The investigation into the 1998 indictment remains ongoing. In October Mestiri traveled abroad without hindrance. However, Mestiri claimed that upon his return to Tunis in November, customs officers searched him and confiscated all the books and documents in his possession, including a recently released book on torture in Tunisia, published by the Paris-based organization, the Committee for the Respect of Human Rights and Freedom in Tunisia (CRDHLT)(see Sections 2.a. and 4).

Police routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents (see Section 1.f.).

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. The Government acknowledged the UNHCR's determination of refugee status, which was accorded to 450 individuals during the year. Approximately 20 cases await determination by the UNHCR. The Government provides first asylum for refugees based on UNHCR recommendations. There is no pattern of abuse of refugees. Although a few refugees were deported during the year, none were forced to return to countries where they feared persecution. The Constitution provides for the grant of asylum and/or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides that the citizenry shall elect the President and members of the legislature for 5-year terms; however, there still are some significant limitations on citizens' right to change their government. In October 1999, President Ben Ali was reelected for a third 5-year term in the country's first multiparty presidential elections, winning 99.44 percent of the vote. According to the Constitution, this is to be his last term in office. The ruling RCD party won all 148 directly elected seats in the legislative elections. Observers agree that the outcome of the presidential and legislative elections generally reflected the will of the electorate; however, the campaign and election processes greatly favored the ruling party and there was widespread disregard for the secrecy of the vote. The ruling RCD party so dominates all levels of political activity that credible electoral challenges have been extremely difficult. Nonetheless, the results also reflected the general satisfaction of the vast majority with President Ben Ali's rule, which derives in large part from his success in promoting economic and social well-being. Opposition presidential candidates were allowed to run for the first time and opposition parties were able to campaign freely within the limits dictated by the Government; however, given the overwhelming dominance of the RCD, the playing field for the elections was not level. A presidentially appointed independent election monitoring group presented a confidential report to the President on the election process, which reportedly uncovered numerous irregularities alleged by opposition parties. In response, the Government enacted a law in April, just before the May municipal elections, that requires voters to bring copies of all party ballots (not just the ballot with ruling-party candidates) into the voting booth, in order to help preserve the secrecy of the vote.

The RCD party and its direct predecessor parties have controlled the political arena since independence in 1956. The RCD dominates the Cabinet, the Chamber of Deputies, and regional and local governments. The President appoints the Cabinet and the 24 governors. The Government and the party are integrated closely; the President of the Republic also is the president of the party, and the party's secretary general holds the rank of minister.

The Government amended the Constitution and Electoral Code in July 1999 to allow party presidents who have been in office for at least 5 years and whose parties were represented in the 1994 to 1999 Chamber of Deputies (and who met other requirements such as those regarding age and nationality) to run in the October 1999 presidential elections. These criteria were a one-time alternative to the more restrictive standing requirement that candidates for president must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run, and paved the way for the first multiparty presidential elections, as Mohamed Belhaj Amor, secretary general of the Popular Unity Front (PUP), and Abderrahman Tlili, secretary general of the Union of Democratic Unionists party (UDU), entered the race. Both candidates acknowledged flaws in the Electoral Code and criticized the fact that the narrowly written criteria made only two persons eligible to run against Ben Ali. At the same time, they stated that they wanted to advance pluralism by seizing the opportunity to run. However, after the elections, there were opposition complaints that, despite some progress in liberalizing the electoral process, problems remained, especially with regard to protection of the secrecy of the ballot and the accuracy of the vote totals.

The 182-seat Chamber of Deputies does not function as a counterweight to the executive branch; rather, it serves as an arena in which the executive's legislative proposals are debated prior to virtually automatic approval. Debate within the Chamber is often lively and government ministers are summoned to respond to deputies' questions, although heated exchanges critical of government policy are not reported fully in the press. Regardless of the debate, the Chamber has a history of approving all government proposals. The Chamber that emerged from the October 1999 parliamentary elections was more pluralistic than the Chamber in place from 1994 to 1999, as October 1998 changes in the Electoral Code reserved 20 percent of the seats for the opposition parties, distributed on a proportional basis to those parties that did not win directly elected district seats. Five opposition parties currently hold 34 of 182 seats, or nearly 19 percent, compared with 4 opposition parties with 19 of 163 seats, or 12 percent, in the previous Parliament. The remaining 81 percent of the seats were contested in winner-take-all, multiseat district races, in which the ruling party won all 148 directly elected seats, up from 144 in the previous Parliament. Opposition politicians recognized that the electoral changes ensured them more seats than they could have won in a popular election. However, they also argue that the winner-take-all, multiseat district system permanently favors the RCD and essentially freezes the opposition at the 20 percent level.

All six legally recognized opposition parties fielded parliamentary candidates in the October 1999 elections. The Government provided public financing to political parties, as called for in legislation adopted in 1997. Under the legislation, each party represented in the Chamber of Deputies received an annual public subsidy of approximately \$54,000 (60,000 dinars), plus an additional payment of \$4,500 (5,000 dinars) per deputy. The Government also provided campaign financing that corresponded to the number of district lists that each party presented. Opposition politicians argued that the subsidy system reinforces the favored position of the ruling party because its dominance in the Parliament means that it receives the great majority of the government funding. Moreover, with funding based on the number of seats in Parliament, the opposition parties had no

interest in forming coalitions against the RCD, but concentrated instead on competing with each other for the largest possible share of the 20 percent of seats reserved for the opposition. During the elections, opposition parties found independent fundraising impossible, and those that published newspapers or magazines faced difficulties in obtaining paid advertisers.

In the May municipal elections, the RCD won an overwhelming majority nationwide and retained the large majority of seats (and thus the mayoralty) in each of 257 municipal councils, although the number of opposition seats on the councils also increased significantly. The RCD won all seats in the 192 districts where it ran uncontested, and 94 percent of the 4,128 seats nationwide. Opposition parties and independent lists won a total of 243 seats in 60 municipalities, up from a total of 10 seats nationwide in the 1996 elections. Opposition representation on the councils was enhanced by 1998 Electoral Code amendments, which provided that any party winning more than 3 percent of the vote in a district would win or share 20 percent of the seats on that council.

Opposition parties noted improvements in the administration of the elections and conduct of the campaigns, although some opposition party members claimed that they did not receive voting cards from local authorities. The RCD campaign was far more restrained than in the October 1999 legislative elections, and press coverage of opposition parties was broader. The secrecy of the ballot generally was respected under a new law requiring voters to enter a voting booth, although some problems continued in that regard. While the Government's voter turnout estimates appeared to be inflated, the percentages won by opposition parties appeared credible, and opposition parties did well in a few areas, including traditional RCD party strongholds.

Women participate in politics, but they are underrepresented in senior government positions. Twenty-one of the 182 Deputies elected in October 1999 were women, up from 13 of 163 deputies in the previous Chamber. There are four women in the Cabinet: Two full ministers (the Minister of Environment and Land Management and the Minister for Women and Family Affairs) and two junior ministers (the Secretary of State for Housing and the Secretary of State for Public Health).

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Tunisian Human Rights League is the most active independent advocacy organization, with 41 branches located throughout many parts of the country. The organization receives and researches complaints and protests individual and systemic abuses. The Government continued to maintain the regular contact with the LTDH that it established in 1999. Minister of Interior Abdullah Kallel met with LTDH president Taoufik Bouderbala and other representatives of the League to address issues such as the return of passports and the release of PCOT prisoners Abdelmounim Belanas and Fahem Boukkadous (see Sections 1.c., 1.e., and 2.b.). However, LTDH officials reported that the Government still has not provided any written responses to LTDH inquiries since 1994.

Although the Government permitted the League to hold meetings in its offices, it continued to place significant obstacles in the way of the League's effective operation. LTDH members and other human rights activists reported government harassment, interrogation, property loss or damage, unauthorized home entry, and denial of passports. Several of the League's communiqués appeared in independent newspapers during the year and its 2000 National Congress was discussed in a local weekly magazine, Realites, and independent daily journals. In January the LTDH hosted human rights training for secondary school teachers in conjunction with the Arab Institute for Human Rights. In May the LTDH attended a conference on freedom of the press with Amnesty International (see Section 2.b). However, in November a Tunis judge ordered closed the LTDH headquarters and replaced the newly elected board of directors with a judicial administrator pending the hearing of a complaint filed by four LTDH members, who claimed that the National Congress elections did not follow the League's by-laws and therefore were illegal. Since the closure of their headquarters, LTDH members claim that they have been under heavy police surveillance and that plainclothes police have prevented them from entering private homes, public restaurants, and buildings to meet. On December 25, the Government held a hearing and postponed the LTDH's civil trial until January 2001. On December 25, LTDH vice president Slahedine Jouchi was interrogated by the Public Prosecutor regarding a press release he published on December 11, but no charges had been filed against him by year's end.

Although LTDH vice president Khemais Ksila was released in September 1999, he claims he still is harassed and under constant surveillance (see Section 1.f.). In a statement published in the May issue of the biweekly magazine Jeune Afrique, the Government claimed that it had completed its investigation of the February 1998 ransacking and burglary of the law office of human rights activist Radhia Nasraoui and had brought the perpetrators to justice. Human rights activists believe that security forces carried out the 1998 ransacking and burglary because some of the documents that the Government presented in the 1999 PCOT trial were among the documents stolen from Nasraoui's office. Although Nasraoui received a 6-month suspended sentence in the PCOT trial, she was prevented from leaving the country in May to attend an Amnesty International

conference in Belgium. The Government claimed that she still was under a travel injunction from her 1999 suspended sentence. After verifying that Nasraoui's travel injunction had lapsed, the Government gave her permission to travel the following day, although Nasraoui ultimately decided not to travel because she already had missed the conference (see Section 2.d.). Nasraoui was permitted to travel out of the country in June.

The Government continued to refuse to authorize the Tunisian National Council for Liberties to register as an NGO. The CNLT initially applied for authorization in 1998. The court has not yet acted on the March 1999 administrative appeal filed by the CNLT's founders. The Government stated that the case was submitted to a court of justice, and that the situation requires that the Government leave the matter to the judiciary. Although not recognized by the Government, the CNLT issued statements criticizing government human rights practices. The CNLT published a report in March describing a broad range of human rights abuses, and proclaimed 2000 as "the year for the eradication of torture and the conquest of liberty." Government officials stated that, by publishing communiqués in the name of an unregistered NGO, CNLT members violated the Publications Code (which requires that advance copies be provided to the Government), belonged to an illegal organization, and threatened public order. In June the Government convicted RAID president Fethi Chemki and member Mohamed Chouarbi of defamation for reproducing the CNLT's March report. Iheb El-Hani, a photocopy shop owner, who also was indicted in case, was acquitted of all charges (see Sections 1.c., 1.e., and 2.a.).

There were no developments in the Government's 1999 criminal investigation of the leader of the Tunisian Association of Young Lawyers for meeting with CNLT members in his office. A court indicted both CNLT members Omar Mestiri and Moncef Marzouki in July 1999, and Marzouki again in November and December 1999, on several charges, including belonging to an illegal organization, violating the Publications Code, and spreading false information. There were no results during the year in the Government's investigation into the charges, and a trial had not begun by year's end (see Section 2.a.). In a separate case based on a September indictment, Marzouki was sentenced on December 30 to a 1-year prison term for maintaining an illegal organization and distribution of false news for writing a paper used at a human rights conference held in Morocco that criticized the Government's National Solidarity Fund charity for lack of transparency. Marzouki had 10 days to file an appeal of the ruling and had not been imprisoned by year's end. Marzouki and CNLT member Mustapha Ben Jaafar, both doctors, allege that the Government prohibits them from treating patients in retaliation for their human rights activism. In July the Minister of Health fired Marzouki from his job as a doctor and professor at the Faculty of Medicine at Sousse University. The Government claimed that Marzouki submitted a fraudulent medical certificate to be excused for time off from his position when he traveled abroad in June. Marzouki claimed that he was fired because he made statements abroad that were critical of the Government. Marzouki's family also claims to have suffered from Marzouki's activism. Security police took CNLT member Mustapha Ben Jaafar briefly into custody in August for interrogation. The Government also interrogated other persons who entered the CNLT headquarters throughout the year. On the weekend of December 10, plainclothes police barred entry to CNLT headquarters. Omar Mestiri claimed that the police struck lawyers Nejib Hosni and Raouf Ayadi in front of the headquarters when they attempted to enter.

The Government issued passports to CNLT members Sihem Bensedrine, Moncef Marzouki, and Mustapha Ben Jaafar; however, other CNLT members were unable to obtain passports (see Sections 1.f., 2.a., and 2.d.).

The Arab Institute for Human Rights, headquartered in Tunis, was founded in 1989 by the LTDH, the Arab Organization for Human Rights, and the Union of Arab lawyers. It is an information, rather than an advocacy, organization, and the Government supports its activities.

Amnesty International continued to maintain a Tunisian chapter. Its members complained that the Tunis office suffered repeated loss of telephone and fax service. Persons who were considering joining AI's Tunisia chapter report that security officials discouraged them from doing so. AI officials reported that they were under periodic police surveillance. The Government denied two requests, one in March and another in April, for AI to hold a seminar on human rights in Saudi Arabia. The Government stated that AI had not submitted the appropriate request. On July 11, the Government refused entry to AI researcher Donatella Rovera, FIDH president Patrick Baudouin, and France-section AI president Hassina Giraud upon their arrival at Tunis-Carthage Airport. Although the Government gave no official explanation why the three were refused entry, government officials have accused Amnesty International of exaggerating reports of human rights violations in Tunisia. However, the Government permitted AI to hold a public meeting in Tunis in May in celebration of International Freedom of the Press Day and a public meeting in Sfax in June, and to hold its annual meeting in July (see Section 2.b.). The Government permitted numerous foreign members of AI to enter the country and attend the July meeting.

Throughout the year, the Government permitted observers from AI, the International Human Rights Federation, and other international human rights organizations to monitor trials. The observers reported that the Government permitted them to conduct their work freely (see Section 1.e.). However, the Government reportedly blocked access to the Internet web sites produced by some of these organizations and those



produced by the Committee to Protect Journalists (see Section 2.a.). Human rights activists and lawyers complain of frequently interrupted postal and telephone services (see Section 1.f.).

Human rights offices in certain ministries and a governmental body, the Higher Commission on Human Rights and Basic Freedoms, address and sometimes resolve human rights complaints. The Higher Commission submits confidential reports directly to President Ben Ali. There is a Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies, which is within the Prime Minister's office and is headed by Minister Afif Hendaoui. The first Minister for Human Rights, Daly Jazi, was dismissed on April 5 after less than 5 months in the position. The Government gave no reason for Jazi's dismissal. However, Jazi subsequently was appointed as an advisor to the President.

## Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all citizens shall have equal rights and responsibilities and be equal under the law, and the Government generally upholds these rights in practice. Legal or societal discrimination is not prevalent, apart from that experienced by women in certain areas, such as inheritance, which is governed by Shari'a. Shari'a provides that daughters receive only half the amount left to sons.

### Women

Violence against women occurs, but there are no comprehensive statistics to measure its extent. According to one family court judge, women file 4,000 complaints of domestic violence each year, but later drop approximately half of those complaints. The Tunisian Democratic Women's Association operates the country's only counseling center for women who are victims of domestic violence. The center, located in Tunis, assists approximately 20 women per month. Instances of rape or assault by someone unknown to the victim are rare. Battered women first seek help from family members. Police intervention often is ineffective because police officers and the courts tend to regard domestic violence as a problem to be handled by the family. Nonetheless, there are stiff penalties for spouse abuse. Both the fine and imprisonment for battery or violence committed by a spouse or family member are double those for the same crimes committed by an individual not related to the victim. Although previously treated as a taboo subject by the media, the Government in April presented a televised panel discussion on domestic violence and in August President Ben Ali ordered an investigation into the extent of domestic violence. The Government had not released a report by year's end.

Women enjoy substantial rights and the Government has made serious efforts to advance those rights, especially in the areas of property-ownership practices and support to divorced women. The 1956 Personal Status Code outlawed polygamy. A 1998 presidential decree created a national fund to protect the rights of divorced women, ensuring that the State would provide financial support to women whose former husbands refused to make child support and alimony payments. The Government has processed over 5,600 requests providing divorced women over \$8 million (11 million dinars) since the fund's inception. Legislation requires civil authorities to advise couples on the merits of including provisions for joint property in marriage contracts. Nonetheless, most property acquired during marriage, including property acquired solely by the wife, still is held in the name of the husband. Inheritance law, based on Shari'a and tradition, discriminates against women, and women still face societal and economic discrimination in certain areas, such as private sector employment. The Government took strong measures to reduce official discrimination, including adding equal opportunity for women as a standard part of its audits of all governmental entities and state-owned enterprises; however, it did not extend such measures to the private sector.

Women are entering the work force in increasing numbers, employed particularly in the textile, manufacturing, health, and agricultural sectors. According to 1999 government statistics, women constituted 29 percent of the work force; there are an estimated 2,000 businesses headed by women. Women constitute 37.1 percent of the civil service, employed primarily in the fields of health, education, and social affairs, at the middle or lower levels. Women constitute 60 percent of all judges in the capital and 24 percent of the nation's total jurists. Approximately 50.4 percent of university students enrolled in the 1999-2000 academic year were women. The law explicitly requires equal pay for equal work. The Government includes equal opportunity for women as a standard part of its audits of all government ministries, agencies, and state-owned enterprises. On the other hand, while the rate of illiteracy has dropped markedly in both rural and urban areas, the rate of female illiteracy in all categories is at least double that of men. Among 10- to 14-year-old children, 5.5 percent of urban girls are illiterate, compared with 2.2 percent of urban boys, and 27 percent of rural girls compared with less than 7 percent of rural boys.

Several active NGO's focus, in whole or in part, on women's advocacy, or research women's issues, and a cadre of attorneys represent women in domestic cases. Media attention focuses on women's economic and academic accomplishments, and usually omits reference to culturally sensitive issues. The Government funded several studies and projects designed to improve the role of women in the media. According to a

government study, women represented 25.2 percent of professional journalists in 1998.

There is a separate Ministry for Women and Family Affairs, with a relatively large budget to support its mission to ensure the legal rights and improve the socioeconomic status of women. The Government supports and provides funding to the National Women's Union, women's professional associations, and the Government's Women's Research Center.

#### Children

The Government demonstrates a strong commitment to public education, which is compulsory until age 16. Primary school enrollment for the 1999-2000 scholastic year was slightly less than the preceding year's, reflecting a decline in the birth rate; secondary school enrollment showed an increase of 8 percent. The Government reported that 99.1 percent of children attend primary school full-time. The Government offers a maternal and child health program, providing prenatal and postnatal services. It sponsors an immunization program targeting preschool age children, and reports that over 95 percent of children are vaccinated.

In 1995 the Government promulgated laws as part of a code for the protection of children. The code proscribes child abuse, abandonment, and sexual or economic exploitation. Penalties for convictions for abandonment and assault on minors are severe. There is no societal pattern of abuse of children. There is a Ministry for Children and Youths and a Presidential Delegate to Safeguard the Rights and Welfare of Children.

#### People with Disabilities

The law prohibits discrimination based on disability and mandates that at least 1 percent of the public and private sector jobs be reserved for the disabled. All public buildings constructed since 1991 must be accessible to physically disabled persons. Many cities, including the capital, have begun to install wheelchair access ramps on city sidewalks. There is a general trend toward making public transportation more accessible to disabled persons. The Government issues special cards to the disabled for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts.

#### Indigenous People

The Government estimates that the small Amazigh (Berber) minority constitutes less than 3 percent of the population. Some older Amazighs have retained their native language, but the younger generation has been assimilated into Tunisian culture through schooling and marriage. Amazighs are free to participate in politics and to express themselves culturally.

### Section 6 Worker Rights

#### a. The Right of Association

The Constitution and the Labor Code stipulate the right of workers to form unions. The Tunisian General Federation of Labor is the country's only labor federation. About 15 percent of the work force, including civil servants and employees of state-owned enterprises, are members, and a considerably larger proportion of the work force is covered by union contracts. There is no legal prohibition against the establishment of other labor federations. A union may be dissolved only by court order.

The UGTT and its member unions legally are independent of the Government and the ruling party, but operate under regulations that restrict their freedom of action. The UGTT's membership includes persons associated with all political tendencies, although Islamists have been removed from union offices. There are credible reports that the UGTT receives substantial government subsidies to supplement modest union dues and funding from the National Social Security Account. While regional and sector-specific unions operate with more independence, the central UGTT leadership follows a policy of cooperation with the Government on its economic reform program.

Unions, including those representing civil servants, have the right to strike, provided they give 10 days' advance notice to the UGTT and it approves of the strike. However, this advance approval rarely is sought in practice. There were numerous short-lived strikes over pay and conditions, and over efforts by employers to impede union activities. While the majority of these technically were illegal, the Government did not prosecute workers for illegal strike activity, and the strikes were covered objectively in the press. The International Confederation of Free Trade Unions has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights. The law prohibits retribution against strikers, but there have been cases of

employers punishing strikers nevertheless, which forces the strikers to pursue costly and time-consuming legal remedies to protect their rights.

Labor disputes are settled through conciliation panels in which labor and management are represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

Unions are free to associate with international bodies.

#### b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is protected by law and observed in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions and employers. Forty-seven collective bargaining agreements set standards for industries in the private sector and cover 80 percent of the total private sector workforce. Each accord is negotiated by representatives of unions and employers in the area the accord encompasses. The Government's role in the private sector negotiations is minimal, consisting mainly of lending its good offices if talks appear to be stalled. However, the Government must approve (but may not modify) the agreements. When approved the agreements set standards for all employees, both union and nonunion, in the areas that they cover. The UGTT also negotiates wages and work conditions of civil servants and employees of state-owned enterprises. The Government is the partner for such negotiations. The 1999 triennial negotiation ended in February 2000. The agreements signed provided for annual wage increases ranging from 4 to 6 percent.

The law prohibits antiunion discrimination by employers. However, the UGTT is concerned about antiunion activity among private sector employers, especially the firing of union activists and the use of temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers account for a large majority of the work force. The Labor Code protects temporary workers, but enforcement is more difficult than in the case of permanent workers. The 1999 discussions on this issue between the UGTT and the Government failed to achieve any results. A committee chaired by an officer from the Labor Inspectorate of the Office of the Inspector General of the Ministry of Social Affairs, and including a labor representative and an employers' association representative, approves all worker dismissals.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor by either adults or children, and it is not known to occur. The Government abolished forced and compulsory labor in 1989.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. The minimum age for light work in the nonindustrial and agricultural sectors is 13 years. The law also requires children to attend school until age 16. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. Children between the ages of 14 and 16 in nonagricultural sectors may work no more than 2 hours per day. The total time that they spend in school and work may not exceed 7 hours per day. The minimum age for hazardous work is 18. Inspectors of the Ministry of Social Affairs examine the records of employees to verify that employers comply with the minimum age law. Nonetheless, young children often perform agricultural work in rural areas and work as vendors in urban areas, primarily during the summer vacation from school.

Observers have expressed concern that child labor continues to exist disguised as apprenticeship, particularly in the handicraft industry, and in the cases of teenage girls whose families place them as household domestics in order to collect their wages. There are no reliable statistics on the extent of this phenomenon; however, an independent lawyer who conducted a study of the practice concluded that hiring of underage girls as household domestics has declined with increased government enforcement of school attendance and minimum work age laws. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Labor Code provides for a range of administratively determined minimum wages, which are set by a commission of representatives from the Ministries of Social Affairs, Planning, Finance, and National Economy, in consultation with the UGTT and the Employers' Association. The President approves the commission's recommendations. On May 1, the industrial minimum wage was raised by 6.32 dinars to \$138 (186.992 dinars) per month for a 48-hour workweek and \$121 (163.798 dinars) per month for a 40-hour workweek. The agricultural minimum wage is \$4.30 (5.809 dinars) per day. When supplemented by transportation and family

allowances, the minimum wage provides for a decent standard of living for a worker and family, but nothing more, as it covers only essential costs. The Labor Code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period per week. The few foreign workers have the same protections as citizen workers.

Regional labor inspectors are responsible for enforcing standards. They inspect most firms about once every 2 years. However, the Government often encounters difficulty in enforcing the minimum wage law, particularly in nonunionized sectors of the economy. Moreover, more than 240,000 workers are employed in the informal sector, which falls outside the purview of labor legislation.

The Ministry of Social Affairs has responsibility for enforcing health and safety standards in the workplace. There are special government regulations covering such hazardous occupations as mining, petroleum engineering, and construction. Working conditions and standards tend to be better in firms that are export oriented than in those producing exclusively for the domestic market. Workers are free to remove themselves from dangerous situations without jeopardizing their employment, and they may take legal action against employers who retaliate against them for exercising this right.

#### f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, it prohibits slavery and bonded labor. There were no reports that persons were trafficked to, from, within, or through the country.

[End.]